

EXHIBIT J

**ASSEMBLY, No. 1693
STATE OF NEW JERSEY
212th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Assemblyman DOUGLAS H. FISHER

District 3 (Salem, Cumberland and Gloucester)

Assemblyman WILLIAM D. PAYNE

District 29 (Essex and Union)

Co-Sponsored by:

Assemblyman Burzichelli, Assemblywoman Quigley, Assemblymen Panter, Barnes, Hackett, Johnson, Caraballo, Gusciora, McKeon, Gordon and Assemblywoman Voss

SYNOPSIS

Requires retail food establishments to provide certain nutritional information for food or beverage items sold to its customers.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel

AN ACT concerning retail food establishments and supplementing Title 26 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The Legislature finds and declares that: research continues to reveal that there is a strong link between diet and health; in 1999, an estimated 61% of adults in the United States were overweight or obese and 13% of children and adolescents were overweight, a result of increased caloric intake; today there are nearly twice as many overweight children and almost three times as many overweight adolescents as there were in 1980; while the rates of overweight and obesity are rising, Americans are increasingly eating meals away from home, and the food industry spends millions of dollars every year encouraging families to eat in restaurants and other food establishments; in 1970, Americans spent just 26% of their food budget eating away from home, currently, Americans spend almost half of their food dollars dining out; furthermore, portion sizes in restaurants have been increasing and it is not uncommon for a restaurant entree to provide half of an individual's total recommended daily allowance of calories, fat and sodium; a recent report of the Surgeon General of the United States on overweight and obesity recommended that the food industry provide reasonable food and beverage portions and increase the availability of nutritional information on foods prepared and eaten away from home; therefore, it is in the public's interest to enable families to make more informed choices about a significant part of their diets and help reduce the problem of overweight and obesity in the State.

2. a. Notwithstanding any provision of law to the contrary: (1) a retail food establishment shall list in a clear and conspicuous manner adjacent to each food or beverage item on a standard printed menu, the total number of calories, grams of saturated and trans fat, grams of carbohydrates and milligrams of sodium, per serving, as usually prepared and offered for sale; and

(2) a retail food establishment using a menu board system or similar signage shall list adjacent to each food or beverage item on the board or sign, the total number of calories per serving as usually prepared and offered for sale. Information about saturated and trans fat, carbohydrates and sodium content shall be made available to each customer upon request.

b. Nothing in this section shall prohibit a retail food establishment from providing additional nutritional information to its customers for each food or beverage item listed on its menu.

c. The provisions of this section shall not apply to any:

(1) item not listed on a standard printed menu, menu board system or similar signage, including, but not limited to, condiments or other products placed on a table or counter for general use; or

(2) daily specials, temporary menu items or food or beverage items from a salad bar or other self-service facility.

d. A proprietor of a retail food establishment who violates the provisions of this section shall be subject to a penalty of not less than \$50 or more than \$100 for the first offense, and not less than \$250 or more than \$500 for the second or any subsequent offense, to be sued for and recovered in a civil action in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

e. As used in this section, "retail food establishment" means any fixed or mobile restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, commissary, delicatessen, grocery store, or any similar place that is part of a chain with 20 or more locations in the State doing business under the same trade name, and in which food or drink is prepared for retail sale or service on the premises or elsewhere.

3. The Commissioner of Health and Senior Services shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this act.

4. This act shall take effect on the 180th day following enactment, but the Commissioner of Health and Senior Services may take such anticipatory administrative action in advance as shall be necessary for the implementation of the act.

STATEMENT

While nutritional labeling is currently required on processed and packaged foods, restaurants and similar establishments where food and drink are prepared and sold are required to provide nutritional information only when a health claim is made for a food or beverage item listed on a menu.

Approximately 50% of Americans report that the nutritional information on food labels has caused them to change their minds about purchasing a particular food product, and it has been shown that a large number of Americans would like to be provided with nutritional information for food and beverage items listed on a restaurant's menu.

It is the sponsor's intent to enable families of this State to make educated decisions on the types of food they eat when dining outside the home and help reduce the incidence of obesity and other related health problems, including heart disease, stroke and diabetes, that cost families, businesses and the government of the United States \$117,000,000,000 each year.

This bill, therefore, directs chain retail food establishments to provide certain nutritional information for any food or beverage item listed on its menu. As used in the bill, "retail food establishment" means any fixed or mobile restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, commissary, delicatessen, grocery store, or any similar place that is part of a chain with 20 or more locations in the State doing business under the same trade name, and in which food or drink is prepared for retail sale or service on the premises or elsewhere.

Under the provisions of the bill, a retail food establishment shall list in a clear and conspicuous manner adjacent to each food or beverage item on a standard printed menu, the total number of calories, grams of saturated and trans fat, grams of carbohydrates and milligrams of sodium, per serving, as usually prepared and offered for sale.

A retail food establishment using a menu board system or similar signage shall only be required to list caloric information adjacent to each food or beverage item on the board or sign, but information on fat, carbohydrate and sodium content shall be made available to a customer upon request.

The bill also stipulates that a retail food establishment shall not be required to provide nutritional information for any:

-- item not listed on a standard printed menu, menu board system or similar signage, including, but not limited to, condiments or other products placed on a table or counter for general use; or

-- daily specials, temporary menu items or food or beverage items from a salad bar or other self-service facility

A proprietor of a retail food establishment violating the provisions of the bill shall be liable for a civil penalty of not less than \$50 or more than \$100 for the first offense, and not less than \$250 or more than \$500 for the second or any

subsequent offense.